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Utah oil shale permit now in limbo

Energy » Eco-group's attorney says sides are waiting for more water analysis.

By Brandon Loomis | The Salt Lake Tribune

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An environmental appeal of a Utah company's permit to mine oil shale in the Uinta Basin is on hold — along with the permit approval — after state and company officials agreed to wait for more analysis, according to an attorney for the eco-group Living Rivers.

Red Leaf Resources won a permit this year from the Utah Division of Oil, Gas and Mining despite Living Rivers' objections that the agency should wait for reports from the Division of Water Quality.

Living Rivers was scheduled to make its case to the mining agency's board Wednesday before the parties agreed to set aside the permit approval for rehearing after the water review, said Rob Dubuc, a Western Resource Advocates attorney representing Moab-based Living Rivers.

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"We would consider this a win," Dubuc said Tuesday. "This is what we've been asking the division to do for some time."

The agreement doesn't end the debate, he said, but will delay it until better data are available.

A spokesman for the mining agency confirmed that Wednesday's hearing was canceled, though he had no further details. Dubuc said negotiations to cancel the meeting had continued through the end of the business day.

An attorney for Red Leaf Resources did not respond to requests for comment.

Utah had approved the company's permit on state land to dig up the waxy shale, place it back in a clay-lined mine cavity and heat it with natural gas until oil seeps from it. But Living Rivers, the same group that is waiting to hear an administrative law judge's ruling on its appeal of a Book Cliffs tar-sands mine, says the division did insufficient analysis of potential water pollution.

"We are concerned that hydrocarbons can leak through the earth ovens and pollute the groundwater there," said John Weisheit, Living Rivers conservation director. The company will heat the shale for months at a time, he said, with the potential to affect the clay liner's seal.

Dubuc said he had an expert witness lined up to testify that the system is "not technologically feasible."

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There also is a dispute about how much groundwater may be in the area to contaminate if the clay were to fail.

In an April filing responding to the appeal, attorneys for Red Leaf said it was not the board's job to second-guess the division's technical assessment, and that "groundwater is isolated from mining and retorting operations by several hundred feet of low-permeability marlstones."

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mach_schnell

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